

In the court of Sub Judge – II, Patna City

T.S. - 184/13

27-08-21

A joined petition u/o 1 rule 10 (2) and section 151 C.P.C. is filed on behalf of 14 intervenor's for adding as either plaintiff or defendants. Copy of said petition has not been given to either parties of the suit. Plaintiff has filed original postal receipt of show cause issued on defendant no. 4 to 6. Xerox copy of letter no. 8/2002 dated 08.03.2002 issued by General Secretary, Patna City Bar Association and also Judgement of Hon'ble court Dharamnath ojha and ors vs. Raghunath Ojha, 2001(2) PLJR 268 is filed on behalf of plaintiff. Plaintiff has also filed one front page of computer copies of case no. CWJC – 4264/2010 and CWJC – 3291/2004 of Hon'ble Court. Learned advocate on behalf of defendant no. 5 has appeared with fresh Vakalatnama.

Learned advocate for plaintiff has submitted that plaintiff in light of previous order of the court as sent show cause notice through registered post on defendant no. 4 to 6 and same has been duly delivered. Learned advocate has prayed to grant *status quo* on the suit property as it is connected with lawyers in active practice at Patna City Civil Court. It is further submitted by learned advocate for plaintiff that other learned advocate have also filed petition as intervenor to be made party to the suit. Learned advocate appearing on behalf of defendant no. 5 has submitted that he needs time for filing objection with regard to plaintiff petitions.

Heard both parties. Perused the record. It transpires that service report of show cause notice issued to defendant no. 5 is on record and service report with regard to show cause notice issued to defendant no. 6 has been return with report that even after due search, office of defendant no. 6 could not be located and with respect to defendant no. 4, service report is not available on record. Also perused three original registered postal receipt filed by plaintiff with regard to show cause being sent through registered post. It appears that show cause notice sent through registered post on defendant no. 6 has not been delivered. On perusal of tracking

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report it appears that the item could not be delivered due to insufficient address as mentioned in tracking report dated 17.08.2021. In light of report of process server and tracking report, with regard to defendant no. 6, court is of opinion that proper address of defendant no. 6 has not been filed by plaintiff. Accordingly, plaintiff is hereby directed to file correct address of defendant no. 6 as well as again file requisite for fresh show cause with regard to defendant no. 6. Defendant no. 5 is hereby directed to filed objection, (if any) before next date of hearing. Further, perused computer copies of case no. CWJC – 4264/2010 and CWJC – 3291/2004 of Hon'ble Court filed by plaintiff, It appears that same has been filed by Collectorate Bar Association, Patna and District Bar Association, Patna and nothing more is filed by plaintiff. Plaintiff is directed to filed document if available, with regard to writ petition filed before Hon'ble Patna High Court by Patna City Civil Court, Bar Association. O/c is directed to call for service report of show cause being issued on defendant no. 4. Put for receiving S/R, and filing of objection / documents by the parties and hearing on 04.09.2021.

Dictated

Succ. Sub Judge - II